REMARKS

I. Introduction

In response to the January 9, 2008 final Office Action, Applicant has amended claims 1-3 and 9 in order to further clarify the scope of the present invention. Support for the amendment to claims 1-3 and 9 may be found, for example, in Figs. 3 and 4 of the specification. No new matter has been added.

Applicant appreciates the granting of a telephone interview with the Examiner on March 11, 2008, during which the rejection of claim 1 was discussed. The substance of the interview involved the issue of whether Kessler disclosed a balance weight having the features of the present disclosure relating to the distance between the piston and the balance weight.

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1, 2, 4, 6, 10 and 12 Under 35 U.S.C. § 102

Claims 1, 2, 4, 6, 10 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kessler (USP No. 4,406,590). Applicant respectfully submits that Kessler fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, amended claim 1 recites, in-part, a hermetic compressor comprising...a compression element comprising: a shaft having an eccentric shaft body and a main shaft body; a piston moving reciprocally in the compression chamber; a balance weight formed on the shaft, wherein the balance weight is formed in such a shape that the distance between the portion of the outer circumference of the balance weight closest to the piston and the piston is substantially constant during the entire period in the rotation of the

balance weight in which the outer circumference of the balance weight and piston are at their closest proximity to each other.

Thus, one feature of the present invention is that as the balance weight rotates on the eccentric axis, the distance from the outer edge of the balance weight which is closest to the piston and the piston will be substantially the same, due to the shape of the balance weight. For example, in Fig. 3 of the drawings, the distance from the outer edge of the balance weight 122 and the piston 120, during the period in the rotation when the piston and outer edge are closest to each other, will be substantially the same as the balance weight rotates. As a result of this feature, the vibration due to the use of the motor will be reduced. In addition, the weight of the balance weight can be increased, thereby further stabilizing the motor.

It is alleged that Kessler teaches a balance weight 234 formed in such a shape that the distance between the outer circumference of the balance weight and the piston 84 is substantially constant in the closely approaching interval of the balance weight and the piston as shown in Fig. 11. However, claim 1 has been amended to recite that the distance between the portion of the outer circumference of the balance weight closest to the piston and the piston is substantially constant during the entire period in the rotation of the balance weight in which the outer circumference of the balance weight and piston are at their closest proximity to each other.

As can be seen in both Figs. 1 and 11 of Kessler, the balance weight 234 of Kessler has a shape that produces an arc forming a complete circle if rotated upon its axis. As such, the distance between the outer circumference of the balance weight and the piston will be constantly changing throughout the entire duration of the portion of the rotation during which the balance weight and piston are at their closest proximity to each other.

In contrast, one example of the present disclosure shows the outer circumferential shape of the balance weight has a shape with a smaller curvature than an arc of a complete circle. As can be seen in Fig. 3, the balance weight 122 has a shape in which the center-to-edge width increases along the edge traveling from the center to the far edge of the weight. This curvature is such that the distance between the outer circumference of the balance weight and the piston is substantially constant during the entire period in the rotation of the balance weight in which the outer circumference of the balance weight and piston are at their closest proximity to each other, whereas the balance weight of Kessler, the arc of which forms a complete circle, does not have this characteristic.

Accordingly, Kessler fails to teach or suggest a balance weight of claim 1 of the present disclosure.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently in a prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), and Kessler does not disclose a balance weight which is formed in such a shape that the distance between the portion of the outer circumference of the balance weight closest to the piston and the piston is substantially constant during the entire period in the rotation of the balance weight in which the outer circumference of the balance weight and piston are at their closest proximity to each other. Therefore, as it is apparent from the foregoing that Kessler fails to anticipate claim 1 or any dependent claims thereon, the Applicant respectfully requests that the § 102 rejection be traversed.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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